

Notice of Allowability

Application No.

09/965,805

Examiner

Mr. Terry K. Cecil

Applicant(s)

MCKENZIE, DARRELL T.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11-26-2003 and the telephonic interview of 4-27-2004.
2. ☒ The allowed claim(s) is/are 8-14 and 18-26 respectively renumbered upon allowance as claims 1-7, 8-9, 13, 10-11, 14, 12, and 15-16.
3. ☒ The drawings filed on 30 January 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 0404.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

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Note: Claims 8-14 and 18-26 are allowed and have been respectively renumbered upon allowance as claims 1-7, 8-9, 13, 10-11, 14, 12, and 15-16.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization for this examiner's amendment was given in a telephone interview with John Moses on 4-27-2004.

2. The application has been amended as follows:

- Claim 18 has been amended as follows:
 - 18. A unitary valve within a filter cartridge disposed between a filter element and an end plate, comprising:
 - a unitary valve body of resilient flexible material, ~~and including~~
 - a bypass valve portion unitary with the valve body, the bypass valve portion being configured as a collar ~~and~~ having a sealing portion for sealing with the filter element, and spaced projections upstream of the bypass valve sealing portion when the filter element is clogged,
 - the spaced projections being disposed between and engaging both the bypass valve portion and the filter element for allowing direct fluid pressure application to the sealing portion, wherein when the filter element is clogged, increased fluid pressure separates the

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sealing portion from the filter element allowing the fluid to bypass the filter element, and

a clean side valve portion unitary with the unitary valve body for preventing pre-filling of the filter cartridge.—.

- Claim 19, line 2, “portion” has been deleted.
- Claim 26 has been amended as follows:
— 26. The ~~combination~~ unitary valve ~~support and sealing element~~ of claim 18 wherein the clean side valve portion includes ~~is~~ a purse valve supported on a plate which spans ~~the~~ a central opening of the unitary body, the purse valve being comprised of a pair of lips which are normally closed.—

Reasons for Allowance

3. The following is an examiner's statement of reasons for allowance:
 - Claims 18 and 19 were amended to correct for problems of indefiniteness and for proper antecedent basis.
 - It is noted that the unitary valve is viewed as a unitary valve body of resilient flexible material that includes a bypass valve portion and a clean side valve portion as claimed.
 - As for the allowability of claims 18-26, the closest cited art—Suzuki, Palmai, Buckman and JP2000-140525—fail to anticipate or render obvious, alone or in any proper combination, the spaced projections of the unitary valve body that are (i) upstream of the sealing portion; (2) disposed between and engaging both the bypass valve portion and the

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filter element; and (3) having the capability for allowing direct fluid pressure application to the sealing portion for unseating thereof from the filter element allowing a bypass flow—within the embodiments of the independent claims. In JP'525, the projections 36 are downstream from the sealing portion 34 and the sealing portion 34 does not unseat for bypass flow. In Suzuki, projections 33 are part of the filter element and are not part of the unitary valve as in the instant claims. In Palmai, the ribs 27 are interior of the valve and do not engage the filter element but a flange 26 of the valve. In Buckman, elements 25 are downstream of the sealing portion.

- Reasons for allowing claims 8-14 were given in the final office action of 4-1-2003.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee.

Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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4. Contact Information:

- Examiner Mr. Terry K. Cecil can be reached at (571) 272-1138 at the Carlisle campus in Alexandria, Virginia for any inquiries concerning this communication or earlier communications from the examiner. Note that the examiner is on the increased flextime schedule but can normally be found in the office during the hours of 8:30a to 4:30p, on at least four days during the week M-F.
- Wanda Walker, the examiner's supervisor, can be reached at (571) 272-1151 if attempts to reach the examiner are unsuccessful.
- The Fax number for this art unit for official faxes is 703-872-9306.
- Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Mr. Terry K. Cecil
Primary Examiner
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TKC
April 28, 2004